

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MATTHEW OAKDEN,

Plaintiff,

v.

BLIESNER, et al.,

Defendants

) No. C 05-2887 MMC (PR)

) **ORDER DENYING APPOINTMENT**
) **OF COUNSEL**

) (Docket No. 5)


Plaintiff, proceeding pro se and currently incarcerated in a California prison, filed the above-titled civil rights action under 42 U.S.C. § 1983. He has been granted leave to amend. Plaintiff has filed a request for appointment of counsel. There is no constitutional right to counsel in a civil case such as this. See Lassiter v. Dep't of Social Services, 452 U.S. 18, 25 (1981). Rather, pursuant to 28 U.S.C. § 1915, a district court has the power to "request" that counsel represent a litigant who is proceeding in forma pauperis. 28 U.S.C. § 1915(e)(1). To date, this case has not raised particularly complex issues, and there are no exceptional circumstances warranting appointment of counsel at this time. Should the circumstances of the case materially change, the Court may reconsider plaintiff's request *sua sponte*.

Accordingly, plaintiff's motion for appointment of counsel is DENIED.

This order terminates Docket No. 5.

IT IS SO ORDERED.

DATED: November 14, 2005


MAXINE M. CHESNEY
United States District Judge